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BY THE HOUSE OF DELEGATES,

February 17th, 1874.

Reported favorably from a Select Committee, read a first time, and 100 copies ordered to be printed.

By order,

MILTON Y. KIDD,
Chief Clerk.

A BILL

TO

Protect Travelers

ON

HIGHWAYS

IN

BALTIMORE COUNTY,

AT OR NEAR

RAILROAD CROSSINGS IN SAID COUNTY.

ANNAPOLIS:
S. S. MILLS AND L. F. COLTON,
Printers to the House of Delegates.

1874.

A BILL

Entitled an Act to Protect Travelers on Highways in Baltimore County, at and near Railroad Crossings in said County.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Northern Central Railway Company, the Baltimore and Ohio Railroad Company, the Philadelphia, Wilmington and Baltimore Railroad Company, the Union Railroad Company of Baltimore, and the Western Maryland Railroad Company shall respectively station a guard of at least one person at all the crossings following, that is to say: where the Northern Central Railway crosses the Fall's turnpike and York turnpike road, and the following county roads: The Joppa road near Rider's Station, at Jessop's Crossing, between Phenix and Ashland, and at Freeland's, Baltimore and Ohio Railroad at the Washington road and at the Rolling roads; Baltimore and Potomac Railroad at the Franklin road or street, the Calverton road and Maiden's Choice road; Union Railroad at the crossing of the Baltimore and Havre-de-Grace turnpike road; Western Maryland Railroad at the crossing of the Baltimore and Reisterstown turnpike road, at the Cross Keys, at Owings' Mills, and at Glen Morris Station, on the Reisterstown and Hanover turnpike road, and also at such other crossings of public roads as may from time to time be designated, by order of the County Commissioners of Baltimore county, as the public necessities may in the future from time to time require; which said order shall not be passed until after notice to the company, and an opportunity has been given to be heard as to such supposed necessity; and that at all such points where the track of any other railroad company, now existing or hereafter to be created and worked by steam, crosses or intersects any turnpike, public road, street or highway, as may be so designated by such County Commissioners, it shall be the duty of the railroad company or corporation, owning or using said track, to station a guard of at least one person, and it shall be the duty of such guards to warn all pesons who may be lawfully upon such street, avenue, turnpike, public road or other highway, of the approach of all locomotives or trains of cars, by displaying in as conspicuous a manner as possible, a flag by daylight and a colored light during the hours of darkness, and to continue such display (said flag or light as the case may be) during the continuance of all locomotives or trains of cars in the vicinity of such crossing or points of intersection.

SEC. 2. *And be it enacted,* That if any such railroad company or corporation, owning or using any track, shall fail,

neglect or refuse to comply with the provisions of the preceding section, it shall be liable to a fine of not less than twenty-five dollars nor more than fifty dollars for each and every day of failure, neglect, or refusal to comply with the provisions of the preceding section, to be collected as small fines are collected under existing laws of this State.

SEC 3. *And be it enacted,* If any such railroad company or corporation shall fail, neglect or refuse to comply with the requirements of the first section of this Act, on or before the first day of July next ensuing the passage of this Act, then it shall be the duty of the County Commissioners of Baltimore county to station guards and flagmen at the points indicated, mentioned and directed in this Act to be guarded, which guards and flagmen so appointed shall be paid by the railroad company or corporation whose crossings or intersections or other points are guarded as aforesaid; and the pay of each such guard or flagman shall not be less than a dollar and a half or more than five dollars a day, to be fixed and determinod by said county commissioners at the time of their appointment.

SEC. 4. *And be it enacted,* That if any such railroad company or corporation shall fail, neglect or refuse for the period of sixty days to pay the wages of any guard or flagman appointed in compliance with the terms of this Act by the county commissioners of said county, then the same shall be paid by said county commissioners, and the said county commissioners shall forthwith proceed by suit or action at law against said railroad company or corporation, upon whose track the services of such guard or flagman shall have been performed, for the recovery of the amount so paid.

SEC. 5. *And be it enacted,* That if any such railroad company or corporation has now or shall hereafter construct any tunnel or bridge at any crossing intersecting a point mentioned or designated in this Act, to be guarded and provided as required by the first section of this Act, so far above or below the grade of such crossing, intersection or point designated as not to endanger the safety of any passenger, horseman or vehicle passing over or under said railroad track, then it shall be relieved from compliance with their terms, and provisions of this Act at the place so bridged or tunnelled as aforesaid; the construction of any such bridge or tunnel to be subject to the approval of the County Commissioners of Baltimore county.

SEC. 6. *And be it enacted,* That any railroad company now in existence, or hereafter to be created, shall have authority to raise or lower any public road, avenue, street or other highways in said county, in such manner as to enable said

company to pass such road, avenue, street or highway under or over such railroad; but such work of raising or depression shall be done in a manner satisfactory to such county commissioners.

SEC. 7. *And be it enacted*, That this Act shall take effect from the date of its passage.

Approved, April 1st, 1874.

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